

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. VI)

FILED

Civil Action No:
MDL 875

This Document Relates Only to the
Cases Identified on the Attached Case List
(Hereinafter referred to as CVLO-1&2)

APR 12 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

AMENDED CASE MANAGEMENT AND SCHEDULING ORDER FOR CVLO-1&2

AND NOW, this 11th day of April, 2012, after discussing with the parties on multiple occasions the necessity of altering the scheduling orders and the case lists associated with those scheduling orders, **IT IS HEREBY ORDERED THAT**, as to the cases identified on the attached list, the following discovery and pretrial management deadlines shall apply¹:

1. Plaintiffs must submit to the defendants and to the court a list of viable defendants who they are unlikely to voluntarily dismiss in each of these cases by²:

<u>Subgroup A</u> : April 12, 2012	<u>Subgroup B</u> : April 12, 2012	<u>Subgroup C</u> : April 12, 2012
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2. All remaining fact discovery must be completed by:

<u>Subgroup A</u> : April 20, 2012	<u>Subgroup B</u> : May 21, 2012	<u>Subgroup C</u> : June 15, 2012
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3. Plaintiffs must provide a list of defendants in each case that plaintiffs are willing to voluntarily dismiss by:

<u>Subgroup A</u> : May 4, 2012	<u>Subgroup B</u> : May 29, 2012	<u>Subgroup C</u> : June 29, 2012
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4. Plaintiffs' expert reports must be filed by:

<u>Subgroup A</u> : May 4, 2012	<u>Subgroup B</u> : June 4, 2012	<u>Subgroup C</u> : June 29, 2012
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¹ The court presumes that the parties have now complied with any expired deadlines from the previous scheduling order.

² In order for the parties to prepare cases for dispositive motions during the summer, we have split the remaining 37 CVLO-1&2 cases into three subgroups, the first and second subgroups having ten cases and the third subgroup having seventeen cases.

5. Defendants' expert reports must be filed by:

<u>Subgroup A</u> : May 18, 2012	<u>Subgroup B</u> : June 18, 2012	<u>Subgroup C</u> : July 13, 2012
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6. All expert discovery must be completed by:

<u>Subgroup A</u> : May 31, 2012	<u>Subgroup B</u> : June 29, 2012	<u>Subgroup C</u> : July 27, 2012
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7. Any dispositive motions (including any dispositive *in limine* claims) must be filed by:

<u>Subgroup A</u> : June 11, 2012	<u>Subgroup B</u> : July 9, 2012	<u>Subgroup C</u> : August 6, 2012
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8. Responses to any dispositive motions must be filed by:

<u>Subgroup A</u> : June 25, 2012	<u>Subgroup B</u> : July 23, 2012	<u>Subgroup C</u> : August 20, 2012
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9. Replies to any dispositive motions must be filed by:

<u>Subgroup A</u> : June 29, 2012	<u>Subgroup B</u> : July 30, 2012	<u>Subgroup C</u> : August 27, 2012
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10. The parties have advised us that they anticipate that the plaintiffs will not need to file expert reports on the reasonableness and necessity of the medical expenses, as the parties likely will agree on this issue. We acknowledge that each defendant may decide to dispute such expenses in any given case, and will deal with those disputes accordingly. However, given the likelihood of such agreements and to the extent necessary, plaintiffs shall not be obligated to file such expert reports until after dispositive motions have been adjudicated or suggestions for remand have been filed.
11. Responses to requests for documents and other paper discovery must be served in accordance with the Federal Rules of Civil Procedure, unless subject to a written agreement by the parties.
12. Depositions and certain discovery are to be governed by the Federal Rules of Civil Procedure, as modified by the August 4, 2011 Deposition Protocol (amended on April 2, 2012) (08-90330 Doc. No. 87, Exh. A), the November 9, 2011 Medical Records Collection Protocol (01-MD-875 Doc. No. 8262), the December 14, 2011 Rules and Procedures Relating to the Authorization for Release of Bankruptcy Records (01-MD-875 Doc. No. 8318), as well as any future protocol agreed to by the parties and approved by the Court.
13. The role of defense liaison counsel will be to coordinate communications between the defense and the Court and to work with plaintiffs' counsel to come to agreement on broad issues. However, to the extent any party should have a particular objection or issue with regard to any case, that party is free to deal with plaintiffs' counsel directly.

14. A settlement conference, with client representatives to be in attendance in person, shall take place at such time as the Court, upon the recommendations of the parties or otherwise, deems appropriate.

BY THE COURT:


DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

CVLO-1&2 Case List

Subgroup A:

<u>LAST</u>	<u>FIRST</u>	<u>PAED NO.</u>
Carnegie	John	08-CV-89958
Frankenberger	Howard	09-CV-61717
Hollins	Willie	08-CV-90201
Hutchinson	Jack	08-CV-92157
Johnson	Richard	08-CV-92122
Menozzi	Eugene	08-CV-89865
O'Keefe	Robert	08-CV-92210
Unzicker	Leonard	11-CV-66288
Weber	Daniel	08-CV-92132
Winslow	Terry	08-CV-92114

Subgroup B:

Black	John	10-CV-68110
Buchanan	Howard	08-CV-92038
Centers	Albert	08-CV-90268
De Witt	Elsie	08-CV-90189
Malone	Clifford	10-CV-68124
McCullum	Roosevelt	08-CV-89883
Pray	Frankie	08-CV-91884
Smith	Ronald	08-CV-90287
Wilson	Irvin	08-CV-90339
Wilson	Merle	08-CV-91879

Subgroup C:

Allen	Gary	10-CV-67536
Bault	Charles	08-CV-91663
Beyer	Harold	08-CV-91894
Bodine	Richard	08-CV-92055
Bugg	William	08-CV-91729
Carlson	Robert	08-CV-89945
Cummings	Ronald	10-CV-68902
Dover	Jackie	10-CV-68127
Ferguson	James	08-CV-90234
Grier	John	08-CV-91687
Henney	Jean	09-CV-64629
Norberg	Earl	08-CV-90264
Plue	Richard	10-CV-68073
Schurtz	Michael	08-CV-91742
Spangler	Herbert	08-CV-91882
Thomas	Glendel	08-CV-92206
Wiker	Philip	08-CV-92207

MAILED:

ALBERT BOWER	DEBORAH SOLMOR	JOSEPH O'HARA	MICHELLE MONTGOMERY
ANDREW CROSS	DEMARCUS GORDON	JOSEPH WITEK	MURRAY ABOWITZ
BARRY ROBIN	DENIS RISCHARD	JOSHUA MURPHY	NICOLE BEHNEN
BILLEE WARD	DENNIS DOBBELS	K. CAREY	PATRICK PHILLIPS
BRADLEY FALKOF	DENNIS GRABER	KATHERINE GRAF	PETER CARLSON
BRIAN FIELDS	DEVLIN SCHOOP	KELLY CHERF	RICHARD BAKER
BRIAN TARNOW	DONALD BROAD	KELLY MCCLOSKEY	RICHARD CHAPIN
BRUCE KAMPLAIN	FRANCIS MORRISSEY	KENNETH GORENBERG	RICHARD STEINKEN
CAROL TATE	GARY SMITH	KRISTIN ACHTERHOF	ROBERT HALEY
CHARLES REITER	JACK BLOCK	KRISTINE KRAFT	ROBERT KOPKA
CHRISTOPHER RAISTRICK	JAMES FIEWEGER	LAURA O'CONNELL	RONALD LIPINSKI
CLARKE GILLESPIE	JAMES PECKERT	LORI YOKOYAMA	ROSEANNE LOFTUS
CREED TUCKER	JEFFREY REEL	MARK LIES	STEVEN SCHNACK
DANIEL CHEELY	JENNIFER FARDY	MARK RAKOCZY	SUSAN GUNTY
DANIEL OVERBEY	JENNIFER SEIDLER	MEANITH HUON	THOMAS WILSON
DAVID MUELLER	JOEL POOLE	MELISSA SKILKEN	TIMOTHY FAGAN
DAVID ROLF	JOHN DAMES	MICHAEL HENNIG	WILLIAM MCGRATH
DEAN PANOS	JOHN DIXON	MICHAEL O'ROURKE	ZANE LUCAS

E-MAILED:

ALLEN VAUGHAN	DOUGLAS PROCHNOW	JOSEPH KRASOVEC	RICHARD LAUTH
AMANDA SUMMERLIN	EDWARD CASMERE	JOSEPH SULLIVAN	ROBERT HARRIS
AMIEL GROSS	EDWARD CRANE	JOSHUA LEE	ROBERT MCCOY
ANDREW DETHERAGE	EDWARD KENNEY	KAYCE GISINGER	ROBERT RILEY
ANITA KIDD	EDWARD MACCABE	KENT PLOTNER	ROBERT SANDS
BARRY SHORT	EDWARD MCCAMBRIDGE	KEVIN KNIGHT	ROBERT SCHMIEDER
BASIL DISPIO	EMILY ZAPOTOCNY	KEVIN OWENS	ROBERT SCHROEDER
C. DOUGLAS	GERMAINE WILLETT	KIRK HARTLEY	ROBERT SCOTT
C. EVERT	HOWARD MORRIS	KNIGHT ANDERSON	ROBERT SPINELLI
CAROL ZUCKERMAN	J. BRADLEY	KURT REITZ	ROBERT SPITKOVSKY
CATHY MOLCHIN	JAMES BOYERS	KURTIS REEG	ROBERT WILKINSON
CHRISTI JONES	JAMES CARTER	LAURIE RANDOLPH	ROGER HEIDENREICH
CHRISTOPHER LARSON	JAMES KASPER	LESLIE OFFERGELD	RONALD AUSTIN
CLARE MAISANO	JAMES MORRISON	LISA CORWIN	RONALD HACK
CRAIG LILJESTRAND	JAMES NIQUET	MAJA EATON	RUSSELL SCOTT
CURTIS BAILEY	JAMIE YADGAROFF	MARGARET FOSTER	SCOTT SIMPKINS
CYNTHIA LOCKE	JASON KENNEDY	MARY ANN HATCH	SHEHZAD HASAN
DANIEL DONAHUE	JASON RUBIN	MATTHEW FISCHER	STEPHEN JENKINS
DANIEL GRIFFIN	JEFFREY HEBRANK	MEGAN MURRAY	STEVEN SCOTT
DANIEL LONG	JENNIFER BLACKWELL	MELANIE KING	SUSAN MEHRINGER
DANIEL MCGRATH	JENNIFER KALAS	MICAH INLOW	TEIRNEY CHRISTENSON
DANIEL MULHOLLAND	JENNIFER STUDEBAKER	MICHAEL BERGIN	THOMAS HAYES
DANIEL O'CONNELL	JOHN BABIONE	MICHAEL CASCINO	THOMAS KERNELL
DANIEL TRACHTMAN	JOHN CANONI	MICHAEL DRUMKE	THOMAS TARDY
DAVID FANNING	JOHN DOUGLAS	MICHAEL ROSENBERG	TIMOTHY KRIPPNER
DAVID JONES	JOHN FONSTAD	MICHAEL ZUKOWSKI	TIMOTHY MURPHY
DAVID SETTER	JOHN KUROWSKI	OLLIE HARTON	TOBIN TAYLOR
DAVID YBARRA	JOHN SEEBOHM	PATRICK HAGGERTY	WALTER WATKINS
DENNIS CANTRELL	JOHN SHEFFER	PATRICK LAMB	WILLIAM MAHONEY
DONALD WARD	JON BAROOSHIAN	PAUL O'FLAHERTY	WILLIAM MILLS
DOUGLAS KING	JONATHAN MATTINGLY	RAYMOND FOURNIE	WILLIAM SHULTZ
		RAYMOND MODESITT	WILLIS TRIBLER